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PRODUCTS INC.; LENNOX INTERNATIONAL INC.;
8 SUPERIOR FIREPLACE COMPANY

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
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13 KIRK KEILHOLTZ and KOLLEEN
KEILHOLTZ for themselves and on behalf
14 of those similarly situated,

15 Plaintiffs,

16 v.

17 SUPERIOR FIREPLACE COMPANY;
LENNOX HEARTH PRODUCTS INC.;
18 LENNOX INTERNATIONAL INC. and
DOES 1 through 25, Inclusive,

19 Defendants.
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Case No. 3:08-cv-00836-SI

**[PROPOSED] ORDER GRANTING
DEFENDANT LENNOX
INTERNATIONAL INC.'S MOTION TO
DISMISS FOR LACK OF PERSONAL
JURISDICTION**

[Notice of Motion and Motion and
Memorandum of Points and Authorities filed
concurrently herewith.]

Date: August 11, 2008

Time: 9:00 a.m.

Courtroom: 10

Judge: Susan Illston

Complaint Filed February 6, 2008

ORDER

Having read and considered all papers supporting and opposing Defendant Lennox International Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction, and good cause appearing therefor, **IT IS ORDERED THAT** Defendant Lennox International Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction is **GRANTED**. The Court finds that Lennox International Inc. does not have substantial, continuous and systematic contact with California, and the Court therefore cannot exercise general personal jurisdiction over Lennox International Inc. Additionally, the Court finds that Lennox International Inc. has not purposefully availed itself of forum benefits; Lennox International Inc. has no limited contacts with the forum; and the assertion of personal jurisdiction over Lennox International Inc. in this case would not comport with fair play and substantial justice. Accordingly, the Court cannot exercise specific personal jurisdiction over Lennox International Inc.

IT IS SO ORDERED.

DATED: _____

SIGNED: _____

JUDGE OF THE UNITED STATES
DISTRICT COURT